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Attorneys for Plaintiff/Defendant  
 INTUITIVE SURGICAL, INC.

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION

ILLINOIS UNION INSURANCE COMPANY, an  
 Illinois corporation,

Plaintiff,

v.

INTUITIVE SURGICAL, INC., a Delaware  
 corporation,

Defendant.

CASE NO.: 3:13-CV-04863-JST (JCS)

**JOINT STIPULATION RE:  
 DEADLINE TO PRODUCE  
 EVIDENCE TO SUPPORT *BRANDT*  
 FEES; AND**

**[PROPOSED] ORDER**

Complaint Filed: October 21, 2013

Judge: Honorable Jon S. Tigar

Trial Date: June 19, 2017

INTUITIVE SURGICAL, INC.,

Plaintiff,

v.

ILLINOIS UNION INSURANCE COMPANY;  
 NAVIGATORS SPECIALTY INSURANCE CO.,

Defendants.

CASE NO. 3:15-cv-04834-JST (JCS)

Complaint Filed: October 20, 2015

Intuitive Surgical, Inc. (“Intuitive”) and Illinois Union Insurance Company (“Illinois Union”) jointly stipulate, pursuant to Civil Local Rules 6-1(b), 6-2, and 7-12, to extend the current deadline for fact discovery, with respect to the production of documents relating to *Brandt* fees only, until May 19, 2017 (30 days before trial).

WHEREAS, Intuitive is seeking *Brandt* fees in connection with its implied covenant of good faith and fair dealing claim against Illinois Union (*see Brandt v. Superior Court*, 37 Cal. 3d 813 (1985));

WHEREAS, as currently scheduled, the deadline for all fact discovery is November 10, 2016 (Dkt. 186);

WHEREAS, as currently scheduled, a jury trial is set for June 19, 2017 (Dkt. 186);

WHEREAS, the parties have met and conferred, and agree that to the extent that Intuitive produces any evidence supporting *Brandt* fees, including legal bills, invoices, or receipts, such evidence need not be produced until May 19, 2017 (30 days before trial);

NOW THEREFORE, the parties, through the undersigned counsel, hereby stipulate with respect to the deadlines previously imposed in Case No. 3:13-cv-04863-JST:

- that the November 10, 2016 deadline for fact discovery be extended until May 19, 2017 (30 days before trial) solely for the production of evidence supporting *Brandt* fees.

The parties’ proposed time modifications would impact the deadlines in Case Nos. 3:13-cv-04863-JST as follows:

Event	Current Schedule	New Schedule
Fact Discovery Cut-Off	11/10/2016	11/10/2016 (Except for <i>Brandt</i> Fees Evidence)
Deadline to Produce Evidence Supporting <i>Brandt</i> Fees	N/A	5/19/2017

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1 DATED: October 25, 2016

SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP

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3 By: /s/ James P. Schaefer  
4 Attorneys for Plaintiff/Defendant  
INTUITIVE SURGICAL, INC.

5 DATED: October 25, 2016

COZEN O'CONNER

6  
7 By: /s/ Charles E. Wheeler  
8 Attorneys for Defendants  
9 ILLINOIS UNION INSURANCE COMPANY

10 Pursuant to Civil Local Rule 5-1(i), the filer attests that concurrence in the filing of this  
11 document has been obtained from the signatories above.

12 /s/ James P. Schaefer  
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**[PROPOSED] ORDER**

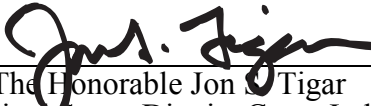
**PURSUANT TO THE FOREGOING STIPULATION OF THE PARTIES, IT IS  
ORDERED THAT:**

The prior deadlines in Case No. 3:13-cv-04863-JST are amended as follows:

Event	Current Schedule	New Schedule
Fact Discovery Cut-Off	11/10/2016	11/10/2016 (Except for <i>Brandt</i> Fees Evidence)
Deadline to Produce Evidence Supporting <i>Brandt</i> Fees	N/A	5/19/2017

DATED: October 26, 2016

By: \_\_\_\_\_

  
The Honorable Jon S. Tigar  
United States District Court Judge